

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

WAYNE I. CREWS,  
Plaintiff,

v.

BELLA CORPORATION d/b/a  
BROADWAY YAMAHA-SUZUKI  
Defendant.

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CIVIL ACTION NO. 2:07-CV-337 (TJW)

**MEMORANDUM OPINION AND ORDER**

Before the Court is Defendant Bella Corporation's rule 12(e) Motion for More Definite Statement (the "Motion"). The plaintiff amended the Original Complaint after the defendant filed the Motion. After the plaintiff amended the Original Complaint, the defendant filed a reply brief. In the reply brief, the defendant changed its arguments so that they closely resemble a motion to dismiss on the pleadings rather than a motion for a more definite statement.

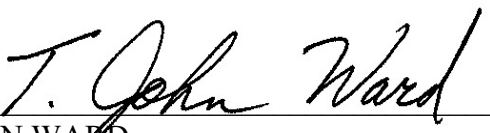
Fed. R. Civ. P. 12(e) states:

If a pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading, the party may move for a more definite statement before interposing a responsive pleading. The motion shall point out the defects complained of and the details desired . . . .

FED. R. CIV. P. 12(e).

The Motion is DENIED.

SIGNED this 21st day of November, 2007.

  
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T. JOHN WARD  
UNITED STATES DISTRICT JUDGE